

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DR. WESLEY McFARLAND, EXECUTOR
TO THE ESTATE OF ROSEMARY
McFARLAND, DECEASED

PLAINTIFF

V.

CIVIL ACTION NO. 1:06cv932-LTS-RHW

STATE FARM FIRE & CASUALTY COMPANY

DEFENDANT

ORDER

Defendant has filed an [79] Emergency Motion for Stay of Depositions based on the fact that there is pending before me [77] Objections to the October 4 Text Only Order of the United States Magistrate Judge with respect to a [49] Motion for Protective Order and a [66] Motion for Reconsideration (the Magistrate's initial Text Only Order denying [49] was entered September 26). Notices of Deposition ([73], [74], [75], and [76]) aimed at the four employees of Defendant for whom the protective order was sought have been filed, with the first scheduled for this Monday (October 16), and the other three scheduled on October 26, November 9, and November 14.

Considering that the request for review of the Magistrate's Order was filed only two days ago, and Plaintiff's counsel has not even filed a response to [77], it is obvious that the Court has not had ample opportunity to consider the issues. The Court does not wish to deprive any party of the ability to pursue lawful relief (of course, by this order, no opinion is expressed on the merits of Defendant's challenge). To allow the first deposition to go forward renders meaningless Defendant's right to raise objections.

Accordingly, **IT IS ORDERED:**

The [79] Motion to Stay Depositions is **GRANTED** to the extent of the deposition of Alexis "Lecky" King noticed for October 16, 2006, and said deposition shall not take place until further order of the Court;

As to the remaining depositions scheduled as set forth above, the [79] Motion to Stay is **HELD IN ABEYANCE** and those depositions shall remain as scheduled pursuant to notice pending further order of the Court.

SO ORDERED this the 12th day of October, 2006.

s/ *L. T. Senter, Jr.*
L. T. Senter, Jr.
Senior Judge

